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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,784	10/05/2004	James C. Peele	U04-0083.94	5783

54494 7590 02/05/2008  
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EXAMINER
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LEVI, DAMEON E

ART UNIT	PAPER NUMBER
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2841

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/711,784

Applicant(s)

PEELE, JAMES C.

Examiner

DAMEON E. LEVI

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2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/16/2008(RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3,5-8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/16/2008 has been entered. An Official Action on the Merits follows below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5-8, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Atsumi US Patent 5736781.**

**Regarding claim 1,** Atsumi discloses an electronic device module comprising:

a card(elements 100, 120, 140, 160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component(elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the

body has a cross-sectional shape other than one bounded by substantially parallel major surfaces(element 1, Fig 1).

It is the position of the Office that the body 1 includes element 14, and hence, the cross sectional shape would be a shape other than one bounded by substantially parallel major surfaces.

**Regarding claim 5**, Atsumi discloses wherein the electrical contacts (elements 111-116, Figs 1-13) on the body extend completely around the periphery of the body.

**Regarding claim 6**, Atsumi discloses further comprising a head (elements 14, Figs 1-13) at one end of the body, the head extending outward from the longitudinal axis of the body a greater distance than the body.

**Regarding claim 7**, Atsumi discloses wherein the cross-sectional shape of the head is selected from the group comprising substantially circular, substantially elliptical, and a shape having at least three substantially straight sides(element 14, Figs 1-13).

**Regarding claim 8**, Atsumi discloses an electronic device module comprising:  
a card(elements 100, 120, 140, 160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component (elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the body has a cross-sectional shape(element 1, Fig 1) that is substantially rectangular and

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other than substantially planar, and wherein a substantially planar shape is one having a height to width ratio of less than approximately 0.5(column 7, lines 5-10).

**Regarding claim 12**, Atsumi discloses wherein the electrical contacts (elements 111-116, Figs 1-13) on the body extend completely around the periphery of the body.

**Regarding claim 13**, Atsumi discloses further comprising a head (elements 14, Figs 1-13) at one end of the body, the head extending outward from the longitudinal axis of the body a greater distance than the body.

**Regarding claim 14**, Atsumi discloses wherein the cross-sectional shape of the head is selected from the group comprising substantially circular, substantially elliptical, and a shape having at least three substantially straight sides(element 14, Figs 1-13).

**Regarding claim 15**, Atsumi discloses an electronic device module comprising: a card (elements 100, 120, 140, 160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component(elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body(elements 1, Figs 1-13) having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the cross-sectional shape of the body is selected from the group including substantially circular, substantially elliptical, substantially rectangular(elements 1, Figs 1-13) and having a height to width ratio of at least 0.5(column 7, lines 5-10), and a shape other than a rectangle having at least three substantially straight sides(elements 1, Figs 1-13).

It is the position of the Office that the body 1 includes element 14, and hence, the cross sectional shape would be a shape other than a rectangle having at least three substantially straight sides.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atsumi US Patent 5736781 in view of Fehrman et al US Patent 6193163.**

Regarding claim 2, Atsumi discloses the instant claimed invention except wherein the cross-sectional shape of the body is substantially circular.

Fehrman et al discloses a card module wherein the cross-sectional shape of a body is substantially circular (element 14, Figs 1-8 and 11-14 element 104, Figs 9-10).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the body in a substantially circular cross sectional shape as taught by Fehrman et al in the card module of Atsumi so as to facilitate ease of insertion and removal of the by hand or an appropriate tool (see Fehrman et al column 9, lines 45-50).

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Regarding claim 3, Atsumi discloses the instant claimed invention except wherein the cross-sectional shape of the body is substantially elliptical.

Fehrman et al discloses a card module wherein the cross-sectional shape of a body is substantially elliptical (element 14, Figs 1-8 and 11-14 element 104, Figs 9-10).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the body in a substantially elliptical cross sectional shape as taught by Fehrman et al in the card module of Atsumi so as to facilitate ease of insertion and removal of the by hand or an appropriate tool (see Ferhman et al column 9, lines 45-50).

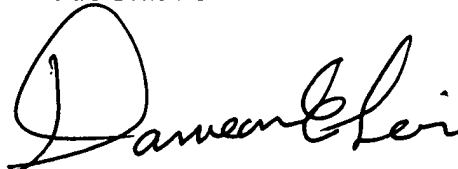
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEL

Dameon E Levi  
Examiner  
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02/02/2008